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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,287	03/12/2001	Timothy Kolody	MED 2 1118	7462

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Thomas E. Kocovsky
FAY, SHARPE, FAGAN, MINNICH & McKEE
7th Floor
1100 Superior Avenue
Cleveland, OH 44114-2518

EXAMINER

HO, THOMAS Y

ART UNIT PAPER NUMBER

3677

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,287

Applicant(s)

KOLOGY ET AL.

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-29 is/are allowed.
- 6) ☒ Claim(s) 30-36 and 38 is/are rejected.
- 7) ☒ Claim(s) 37, 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Status of Claims

Claims 1-39 are currently pending. No claims have been withdrawn or cancelled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/19/04 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper US4145612 in view of Vanek US5983426.

As to claim 30, Cooper discloses: a medical appliance support interface for use with an associated radiolucent patient support table including substantially planar top and bottom surfaces held apart in an opposed relationship for selectively connecting an associated medical appliance with the table, the medical appliance support interface comprising: second connection area (beveled edge) defined by the associated table and shaped to provide a third supporting force against the associated medical appliance in third direction substantially parallel the top and

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bottom surfaces, and a fourth supporting force against the associated medical appliance in a fourth direction substantially perpendicular to the top and bottom surfaces.

The difference between the claim and Cooper is the claim recites: first connection area defined by the associated table, the first connection area being shaped to provide first supporting force against associated medical appliance first direction substantially parallel the top and bottom surfaces, and a second supporting force against the associated medical appliance second direction substantially perpendicular to the top and bottom surfaces. Vanek discloses a patient support similar to that of Cooper. In addition, Vanek further teaches the first connection area 20 defined by the table, the first connection area being shaped to provide supporting forces. It would have been obvious to one of ordinary skill in the art, having the disclosures of Cooper and Vanek before him at the time the invention was made, to modify the table of Cooper to have the first connection area, as in Vanek. One would have been motivated to make such a combination because the ability to restrain a patient would have been achieved, as taught by Vanek.

As to claim 31, Vanek teaches: wherein said first connection area includes at least one recess defined between a pair of wall surfaces that converge at a bight (lowest part of 20) of the least one recess.

As to claim 32, Vanek teaches: further including rounded lip area (where the circular portion of 20 meets the rectangular portion of 20, this is a rounded lip because half of that lip/corner is rounded) formed between said least one recess said substantially planar surface, the rounded lip area defining a crest located between said bight and plane defined by the top surface of the patient support table.

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As to claim 33, Vanek teaches: wherein said rounded lip area is spaced apart from the plane defined by the top surface predetermined distance.

As to claim 34, Cooper discloses: wherein said second connection area includes substantially planar surface held at oblique angle relative said substantially planar top and bottom surfaces.

Claims 35-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper US4145612 in view of Lussi US5754997, and further in view of Velazquez US4484571.

As to claim 35, Cooper discloses: a surgical table comprising: a column 11; and, patient support member 12 carried the column, the patient support member, including substantially planar top and bottom surfaces.

The difference between the claim and Cooper is the claim recites: a base member connected to the column, and a plurality of curved surfaces defining an accessory connection interface along at least one edge of the patient support member selectively connecting an associated accessory to the patient support member, the plurality of curved surfaces being without planar portions oriented in a substantially perpendicular relation said planar top surface the patient support member so that first portions an associated x-ray signal passing through the connection interface along path substantially perpendicular to the planar top surface are attenuated substantially the same as second portions x-ray signal passing through the patient support member. Velazquez discloses a patient support member 11 similar to that of Cooper. In addition, Velazquez further teaches a plurality of curved surfaces. It would have been obvious to one of ordinary skill in the art, having the disclosures of Cooper and Velazquez before him at the

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time the invention was made, to modify the patient support member of Cooper to have the plurality of curved surfaces in Velazquez. One would have been motivated to make such a combination because the ability to restrain the patient would have been achieved, as taught by Velazquez.

As to claim 36, Cooper discloses: and second connection area extending between first connection area and the bottom surface of the patient support member, and the second connection area including planar locating surface disposed non-perpendicular relation with said planar top surface. Velazquez teaches: wherein said plurality of curved surfaces of the accessory connection interface include a first connection area adjacent the planar top surface of the patient support member, the first connection area including curved surface.

As to claim 38, Cooper discloses: wherein planar locating surface extends at a selected angle relative to the top and bottom surfaces of the patient support member.

Allowable Subject Matter

Claims 1-29 are allowed.

Claims 37 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-20 were already indicated as allowable in a previous office action. As to claim 21, the Applicant recites a patient support table top and medical appliance interface, wherein the table top has a groove, a ridge, and a flat side, that act to support a medical appliance. The prior art of record discloses patient support table tops, and the closest prior art is Cooper US4145612.

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The prior art of record also discloses tables for non-medical purposes, that teach grooves and ridges on the edges of the table top. However, none of the teaching references are in the patient support table art, and also, none of the references teach the groove and ridge supporting medical appliances. Therefore, the prior art of record is non-analogous art, fails to disclose or suggest all of the limitations in claim 21.

As to claim 37, the Applicant recites that the first connection area includes a curved recess surface formed in the planar top surface. The closest prior art of record is Cooper. Cooper is combined with the teachings of Velazquez to reject claim 36, from which claim 37 depends. However, Velazquez does not teach that the curved recess surface is formed in the planar top surface, but rather, only teaches that the curved recess surface is formed in a non-planar element attached to the planar top surface. Therefore, the prior art of record fails to disclose or suggest all of the limitations in claim 37.

As to claim 39, the Applicant recites that the third connection area includes a downwardly extending ridge extending from the bottom of the patient support member. The closest prior art of record is Cooper. Cooper is combined with the teachings of Velazquez to reject claim 36, from which claim 39 depends. However, Velazquez does not teach a ridge extending from the bottom surface of the patient support member. Therefore, the prior art of record fails to disclose or suggest all of the limitations in claim 39.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH



ROBERT J. SANDY
PRIMARY EXAMINER